

DECLARATION IN SUPPORT OF PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

DISK AUGMENTATION SYSTEM AND METHOD

described and claimed

_____ In the attached specification;
xxx In the specification filed April 9, 2004, as U.S. Application Serial No. 10/821,823
and as amended October 6, 2005, May 1, 2006, December 18, 2006,
and May 3, 2007.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I acknowledge an assignment of my entire interest in the above invention to X-spine Systems, Inc., and I hereby direct that all communications concerning this application be sent to the Assignee's Attorneys:

JACOX, MECKSTROTH & JENKINS
2310 Far Hills Building
Dayton, Ohio 45419-1575
(937) 298-2811

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first inventor: David Louis Kirschman

Inventor's
signature _____

Date: 8/8/07

Residence: 104 Rubicon Road, Dayton, OH 45419
Citizenship: USA
Post Office Address: c/o X-spine Systems, Inc.
452 Alexandersville Road
Miamisburg, OH 45342-3658